

REMARKS

This Amendment is being filed in response to the Office Action mailed on April 7, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the present application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1-13, 15-29 and 31 remain in this application, where claims 30 and 32 had been previously canceled without prejudice, and claims 33-35 have been currently canceled without prejudice. Claims 1, 21 and 26 are independent.

In the Office Action, claims 1-13, 15-29, 31 and 33-35 are rejected under 35 U.S.C. §112, first paragraph. Without agreeing with the position forwarded in the Office Action and in the interest of advancing prosecution, independent claims 1, 21 and 26 have been amended to remove the alleged informality noted in the Office Action. It is respectfully submitted that the rejection of claims 1-13, 15-29, 31 and 33-35 has been overcome and an indication as such is respectfully requested.

In the Office Action, claims 1, 3-4, 9-10, 13, 15, 26 and 28 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,901,210 (Heo) in view of by U.S. Patent No. 6,693,869 (Ballantyne) and U.S. Patent No. 6,636,958 (Abboud) and U.S. Patent No. 6,260,043 (Puri). Claim 2, 5, 7-8 and 11-12 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne, Abboud, Puri and U.S. Patent Application Publication No. 2002/0181376 (Acker). Claim 6 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne, Abboud, Puri and U.S. Patent Application Publication No. 2002/0131767 (Auwens). Claims 16-17 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne, Abboud, Puri and U.S. Patent Application Publication No. 2003/0103429 (Senshu). Claim 18 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne, Abboud, Puri and U.S. Patent No. 6,792,437 (Rafanello). Claims 19-20 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne, Abboud, Puri and U.S. Patent Application Publication No. 2003/0009334 (Printz). Claims 21-24 are rejected under 35 U.S.C.

§103(a) as allegedly unpatentable over Acker in view of Heo, Ballantyne, Abboud and Puri. Claim 25 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of Heo, Abboud, Puri and U.S. Patent Application Publication No. 2002/0064111 (Horie). Claims 27 and 31 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo in view of Ballantyne, Abboud, Puri and U.S. Patent No. 6,081,447 (Lofgren). Claim 29 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of Heo, Abboud, Puri and Lofgren. Claims 33 and 35 are rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Heo, Ballantyne, Abboud, Puri and U.S. Patent No. 6,526,475 (Everett). Claim 34 is rejected under 35 U.S.C. §103(a) as allegedly unpatentable over Acker in view of Heo, Abboud, Puri and Everett. It is respectfully submitted that claims 1-13, 15-29 and 31 are patentable over Heo, Ballantyne, Abboud, Puri, Acker, Auwens, Senshu, Rafanello, Printz, Horie, Lofgren and Everett for at least the following reasons.

On pages 28-30 of the Office Action, in rejecting claims 33-35, the Examiner correctly noted that Heo, Acker, Ballantyne,

Abboud and Puri, do not disclose or suggest that overwriting content stored by other applications. Column 2, lines 7-13 of Everett is cited in an attempt to remedy the deficiencies in Heo, Acker, Ballantyne, Abboud and Puri.

It is respectfully submitted that column 2, lines 7-13 of Everett specifically recites that "one of the above-mentioned first and second apparatuses is suitably assigned precedence such that it may overwrite fragments in the storage device already used by the other." (Emphasis added)

In stark contrast, the present invention as recited in amended independent claim 1, and similarly recited in independent claims 21 and 26, amongst other patentable elements recites (illustrative emphasis provided):

if the data is not recognized, then the access means is presented with the logical address space for overwriting the data which is not recognized.

The recitation of Everett of assigned precedence to overwrite fragments does not disclose or suggest presenting with the logical address space for overwriting the data which is not recognized if the data is not recognized, as recited in independent claims 1, 21

and 26.

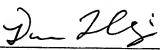
Auwens, Senshu, Rafanello, Printz, Horie and Lofgren are cited to allegedly show other features and do not remedy the deficiencies in Heo, Acker, Ballantyne, Abboud, Puri and Everett.

Accordingly, it is respectfully submitted that independent claims 1, 21 and 26 are allowable, and allowance thereof is respectfully requested. In addition, it is respectfully submitted that claims 2-13, 15-20, 22-25, 37-29 and 31 should also be allowed at least based on their dependence from independent claims 1, 21 and 26.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

In view of the above, it is respectfully submitted that the present application is in condition for allowance, and a Notice of Allowance is earnestly solicited.

Respectfully submitted,

By 
Dicran Halajian, Reg. 39,703
Attorney for Applicant(s)
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THORNE & HALAJIAN, LLP
Applied Technology Center
111 West Main Street
Bay Shore, NY 11706
Tel: (631) 665-5139
Fax: (631) 665-5101